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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/825,078	Applicant(s) DELIMA ET AL.	
	Examiner Benjamin R. Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15, 17-21, 23-30, 32-34, 37-39, 41-48 and 50-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15, 17-21, 23-30, 32-34, 37-39, 41-48 and 50-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-4, 6-15, 17-21, 23-30, 32-34, 37-39, 41-48, 50-57 are pending in this Office Action.

Claims 5, 16, 22, 31, 35-36, 40, and 49 are cancelled.

#### **Specification**

The changes to the specification are accepted.

#### **Claim Rejections - 35 USC § 112**

The 35 U.S.C. 112, second paragraph rejection is withdrawn in light of applicant's amendment

#### **Response to Arguments**

Applicant's arguments filed 3/27/06 have been fully considered but are moot in view of new grounds of rejection

#### **Applicant's invention as claimed:**

**Claims 1-4, 6, 12, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Network Working Group, RFC 1349 by Almquist et al (July 1992).**

Regarding claim 1, a method of providing improved quality of service over a series of related messages exchanged between computers in a networking environment that are related to the transaction (RFC: page 3, para 1-3), comprising:

determining one or more transactional quality of service ("TQoS") values to be applied to the related messages (RFC: page 5; section 4 specification of the ToS field, section 4);

using the determined TQoS values when transmitting at least one of the related messages for delivery to a particular one of the computers, wherein the particular computer is a client computer (RFC: page 1, Summary; hosts and routers);

annotating a routing token of selected ones of the related messages with information reflecting the determined TQoS values (RFC: page 4-5; IP header with ToS values);

transmitting the annotated ones of the related messages with the information reflecting the determined TQoS values from a server computer to the client computer (RFC: page 12, 7.2 forwarding, third para);

receiving the transmitted annotated messages at the client computer (RFC: pages 9-10, section 7-7.1; destination); and

transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages (RFC: pages 9-10, section 7-7.1; page 12, 7.2).

Regarding claim 2, the method according to claim 1, wherein one of the TQoS values for a transmission priority value to be used when transmitting the annotated messages (RFC: pages 4 and 5; sections 3-4; changing the ToS value to minimize delay changes the priority of the path).

Regarding claim 14, the method according to claim 2, further comprising using the transmission priority value to prioritize the transmission of the at least one transmitted message through the networking environment (RFC: page 12, section 7.2).

Regarding claim 3, the method according to claim 1, wherein one of the TQoS values is available bandwidth information pertaining to a network connection to the particular computer (RFC: pages 5 and 6, specification 4).

Regarding claim 13, the method according to claim 3, further comprising enforcing bandwidth allocation using the available bandwidth information as the at least one transmitted message is transmitted through the networking environment (RFC: page 12, section 7.2).

Regarding claim 4, the method according to claim 1, further comprising storing the determined TQoS values for use when transmitting subsequent ones of the related messages to the particular computer (RFC: page 10, 7.1 para 3).

Regarding claim 15, the method according to claim 4, wherein storing the determined TQoS values for use when transmitting subsequent ones of the related messages to the particular computer comprises storing the determined TQoS values in a server computer (RFC: page 10, 7.1 para 3).

Regarding claim 6, the method according to claim 1, wherein:

the annotated messages transmitted from the server computer to the client computer comprise an object reference that is annotated to carry the TQoS values (RFC: page 4, section 3; the header); and

transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages comprises automatically returning the TQoS values to the server computer with subsequent ones of the related messages based on the annotation of the object reference in a related message that is received from the server computer (RFC: pages 9-10, section 7-7.1; page 12, 7.2).

Regarding claim 12, the method according to claim 1, wherein using the determined TQoS values when transmitting at least one of the related messages for delivery to a particular one of the computers further comprises using the determined TQoS values to set markings in a network layer header of the transmitted annotated messages (RFC: page 4, section 3).

**Claims 7-11, 17-18, 34, 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable by Network Working Group, RFC 1349 by Almquist et al (July 1992) in view of U.S. Patent No. 6,247,050 by Tso et al.**

Regarding claim 7, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message is for. However, the Tso reference teaches wherein at least one of the annotated messages is a response that serves a web page to the particular computer (Tso: col. 5,

lines 55-col. 6, line 31) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 8, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message is for. However, the Tso reference teaches, wherein at least one of the annotated messages is a request from the particular computer for a Web page (Tso: col. 5, lines 8-23) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 9, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message is for. However, the Tso reference teaches, wherein at least one of the annotated messages is a request from the particular computer for a Web object (Tso: col. 5, lines 8-23) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a web object as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 10, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message is for. However, the Tso reference teaches, wherein at least one of the annotated messages is a response that serves a Web page to the particular computer (Tso: col. 5,

lines 55-col. 6, line 31) and wherein at least one of the subsequent ones of the related messages is a request for information referenced by the Web page (Tso: col. 7, lines 4-37; col. 8, lines 58-65) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 11, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message is for. However, the Tso reference teaches, wherein at least one of the annotated messages is a response that serves a Web page to the particular computer (Tso: col. 5, lines 55-col. 6, line 31) and wherein at least one of the subsequent ones of the related messages is a request for information selected from the Web page by a user of the particular computer (Tso: col. 7, lines 4-37; col. 8, lines 58-65; another request) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

With regards to claim 52, the RFC page teaches the method according to claim 1. The RFC fails to teach utilizing a cookie. However, the Tso reference teaches, further comprising storing TQoS values as one or more cookies on the client computer (Tso: col. 7, lines 17-26; col. 8, lines 41-45) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

With regards to claim 53, the RFC page teaches the method according to claim 52. The RFC fails to teach use of a cookie. However, the Tso reference teaches transmitting the TQoS values from the client computer to the server computer with subsequent ones of the related messages comprises determining the TQoS values to be transmitted from the client computer based on the stored one or more cookies on the client computer (Tso: col. 7, lines 17-26) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 17, the RFC page teaches the method according to claim 1. The RFC fails to teach what the message has URL. However, the Tso reference teaches, wherein the routing token is used to modify a Uniform Resource Locator from a header of selected ones of the related messages (Tso: col. 6, lines 18-39) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include modifying a URL in the header as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 18, the RFC page teaches the method according to claim 17. The RFC fails to teach the use of cookies. However, the Tso reference teaches, wherein the routing token further comprises information enabling identification of the client computer and another computer which performs the transmitting step (Tso: col. 6, lines 22-26; col. 5, lines 55-58; col. 7, lines 38-50), as well as identification of a cookie on the client computer used to store the determined TQoS values for the related messages (Tso: col. 6, lines 55-67) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).



It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

Regarding claim 34, the RFC page teaches the system according to claim 22, wherein:

the TQoS values comprise at least (1) a transmission priority value to be used when transmitting the annotated messages (RFC: pages 4 and 5; sections 3-4; changing the ToS value to minimize delay changes the priority of the path) and (2) available bandwidth information pertaining to a network connection to the particular computer (RFC: pages 10-12, 7.2 forwarding tables); and

wherein the means for using the determined TQoS values further comprises using the determined TQoS values, to prioritize transmission of the packet to enforce bandwidth allocation using the available bandwidth information as the packet is transmitted (RFC: page 12, section 7.2). The RFC fails to teach what the message is for. However, the Tso reference teaches at least one of the annotated messages is a response that serves a Web object to the particular computer from a network cache (Tso: col. 5, lines 55-col. 6, line 31) in order to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the method of annotating messages as taught by the RFC to include a request for serving a webpage as taught by Tso to improve the performance of client and network data communications (Tso: col. 1, lines 58-62).

The examiner understands the difference between a method, system and computer program product, the examiner equates the method to the code, hardware, and actions of which invention runs. Therefore the claims are rejected as cited above as being substantially similar.

**Claims 1-4, 6, 12, 13-15; 19-21, 23, 27-30; 37-39, 41, 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Network Working Group, RFC 1349 by Almquist et al (July 1992).**

**Claims 7-11, 17-18, 34, 52-53; 24-26. 32-33, 54-55; 42-44, 50-51, 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable by Network Working Group, RFC 1349 by Almquist et al (July 1992) in view of U.S. Patent No. 6,247,050 by Tso et al.**

### **REMARKS**

Applicant has amended the independent claim preamble and body to include subject matter from a previously dependent, now canceled, claim.

Applicant points out that no rejection is made on claims 19-21, 23-33, 37-39, 41-41 or 54-57 which was erroneously made in the reopening. All claims are rejected in parallel with rejected claims as indicated in the table and statements made in the final rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155  
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